



## Jay Shepherd

Professional Corporation  
2200 Yonge Street,  
Suite 1302  
Toronto, Ontario M4S 2C6

### **BY EMAIL and RESS**

April 6, 2017  
Our File No. 20150240

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2015-0240 – Essex Motion to Review – SEC Cost Claim**

We are counsel for the School Energy Coalition. We enclose the cost claim of the School Energy Coalition, on the Board's form and enclosing docket details.

We note that while Mark Rubenstein took carriage of this matter, the issues were of general significance and raised unique concerns. As can be seen by the dockets, this required closer than normal consultation with the clients, and active involvement from senior counsel Jay Shepherd in both rounds of submissions.

All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required (yellow-shaded) fields are filled in and the Affidavit portion is signed and sworn or affirmed.

### Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are embedded in the form to assist with calculations.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.

Rate: \_\_\_\_\_

Country: \_\_\_\_\_

- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each lawyer, analyst/consultant and articling student/paralegal.

However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.

- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

**Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

File # EB-	2015-0240	Process:	Essex Motion to Review
Party:	School Energy Coalition	Affiant's Name:	Jay Shepherd
HST Number:	83673-5464-RT0001	HST Rate Ontario:	13.00%
Full Registrant	<input checked="" type="checkbox"/>	Qualifying Non-Profit	<input type="checkbox"/>
Unregistered	<input type="checkbox"/>	Tax Exempt	<input type="checkbox"/>
Other	<input type="checkbox"/>		

### Affidavit

I, Jay Shepherd, of the City/Town of Toronto  
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

### Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,  
in the Province/State of Ontario, on April 6, 2017.  
(date)

Commissioner for taking Affidavits

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**File #** EB- 2015-0240 **Process:** Essex Motion to Review

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	11,099.00
Disbursements	\$	307.74
HST	\$	1,482.88
<b>Total Cost Claim</b>	<b>\$</b>	<b>12,889.62</b>

**Payment Information**

Make cheque payable to: Jay Shepherd Professional Corporation, in trust

Send payment to this address: 2200 Yonge Street  
Suite 1302  
Toronto, Ontario  
M4S2C6

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>2015-0240</u>	<b>Process:</b> <u>Essex Motion to Review</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>

  

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	1980	37
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>Hourly Rate:</b> <u>\$330</u>
<input type="checkbox"/> CV provided within previous 24 months		<b>HST Rate Charged (enter %):</b> <u>13.0%</u>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	15.5	\$ 330.00	\$ 5,115.00	\$ 664.95	\$ 5,779.95
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 5,115.00	\$ 664.95	\$ 5,779.95

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



File # EB- 2015-0240

Process: Essex Motion to Review

Party: School Energy Coalition

Service Provider Name: Jay Shepherd

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>2015-0240</u>	<b>Process:</b> <u>Essex Motion to Review</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>

  

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	2011	5
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		

  

For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> <u>13.0%</u>
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Responses		\$ 170.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	35.2	\$ 170.00	\$ 5,984.00	\$ 777.92	\$ 6,761.92
<b>Oral Hearing</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 5,984.00	\$ 777.92	\$ 6,761.92

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



File # EB- 2015-0240

Process: Essex Motion to Review

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing	\$ 307.74	\$ 40.01	\$ 347.75
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ 307.74	\$ 40.01	\$ 347.75

Date	Explanation	Lwyr	MR	JCS
20150810	review PO/emails	MR	0.3	
20150822	Analysis, Client report	JCS		1.0
20150824	Complete draft report, Meeting with Mark Rubenstein, Send report	JCS		1.7
20150901	emails/draft arg	MR	1.5	
20150902	disc w JCS/emails/research	MR	2.5	
20150903	draft arg	MR	2.0	
20150903	Client report	JCS		1.1
20150904	draft argument/emails/research	MR	4.0	
20150904	Many emails	JCS		0.2
20150905	draft and edit argument/emails/prepare BoA	MR	2.8	
20150905	Review draft submissions	JCS		0.8
20150906	emails	MR	0.1	
20150907	emails/review VECC draft/review JCS comments/edit and draft argument/prepare Book of Authorites/draft cover letter	MR	4.8	
20150907	Review and detailed edit of submissions, Research, Review revised version	JCS		4.2
20150908	emails/instructions for filing and document production/review other parties submissions	MR	0.7	
20150908	Review submissions of others, Review final submissions, Many emails	JCS		2.6
20150914	emails	MR	0.1	
20150919	Review other parties submissions and outline considertaitons/research/review other parties underlying cases/draft reply submissions	MR	7.2	
20150920	draft reply submissions	MR	2.3	
20150921	edit first draft/emails	MR	0.7	
20150921	Review reply submissions	JCS		0.3
20150928	emails/review JCS comments/edit and revise argument	MR	1.1	
20150928	Review and revise argument	JCS		2.1
20151001	Edit document/finalize footnotes/prepare sup BoA/emails	MR	3.2	
20151002	Review staff submission, Review submissions of others	JCS		1.2
20151002	Finalize and file submissions/review other parties submissions	MR	1.6	
20170323	review decision/emails	MR	0.3	
20170324	Review decision, Reporting	JCS		0.3
			35.2	15.5

5,984.00 5,115.00  
5,984.00  
Fees 11,099.00  
Disb. 307.74  
HST 1,482.88  
Total 12,889.62

#### EXPENSES

	Charge	Tax	Total
20150914 Printing	\$307.74	\$40.01	\$347.75



**PrintThree - Yonge & Eglinton Centre**2300 Yonge Street, Box 2428  
Toronto, Ontario, M4P1E4

Tel: 416-481-5159

Fax: 416-481-7298

hello@printthreetoronto.com

www.printthreetoronto.com

**BILLED ✓  
CLAIMED  
PAID****✓  
DONE ON  
PC LAN****Invoice**

Invoice #

**74991****Bill To:****Jay Shepherd Professional Corporation  
2300 Yonge Street  
Suite 806, Box 2305  
Toronto ON M4P 1E4****Ship To:****Saba Parkar****RE: ESSEX EB-2015-0240  
BOOK OF AUTHORITIES**

Date	Terms	P.O. No.	Ordered by	Account #	Job
9/14/2015					

Item	Quantity	Description	Rate	Amount
B&W Copies	2	915 pages x 2 copies with tabs Harmonized Sales Tax	153.87 13.00%	307.74T 40.01

Customer Phone: 416-483-3300		Fax: 416-483-3305	<b>Total</b>	<b>\$347.75</b>
1.5% interest per month on overdue account. HST: Harmonized Sales Tax, 13%. HST#R102820453. Registered Trademark of PrintThree Inc. - KESEF REPRODUCTIONS INC. USER			<b>Balance Due</b>	<b>\$347.75</b>

*Thank You***SmartDocumentCentres**